**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.**

Writ Petition No. 192 (S/S) of 2003

Devendra Dutt Gairola,
S/o Sri Arya Dutt Gairola,
at present post as Constable
Police Line,
Pithoragarh. **……Petitioner**

Versus

1. State of Uttaranchal, through Secretary (Home), Dehradun.
2. Inspector General of Police, Kumaon Range, Nainital.
3. Superintendent of Police, Pithoragarh.

**……Respondents**

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri T.S. Rautela, learned counsel for the petitioner and Sri Paresh Tripathi, learned standing counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for following reliefs:

*(i) issue a writ, order or direction in the nature of Certiorari to quash the order dated 28.04.2003 (filed as Annexure – 6) passed by respondent no. 3.*

*(ii) Issue a writ, order of direction in the nature of Mandamus directing the respondent no. 3 to pass the appropriate order regarding payment of Rs. 80,000/- from his GPF fund at the earliest.*

*(iii)* *Issue any other writ, order or direction in the nature of which this Hon'ble Court may deem fit and proper in the circumstance of the case.*

*(iv)* *Award the costs of the writ petition to the petitioner.*

The submission of learned counsel for the petitioner is that petitioner, who is constable was suspended vide order dated 28.04.2003 passed by Superintendent of Police. The second prayer of the petitioner was to the effect that respondents be directed to sanction loan of Rs. 80,000/- from his GPF.

This court on 02.06.2003 stayed the operation of order dated 28.04.2003 by which petitioner was suspended.

The second prayer of the petitioner was in respect of loan of Rs. 80,000/- for which he has applied on 01.04.2003 for the purpose of marriage of his daughter. The respondents have rejected the application of the petitioner on the ground that at the time when the application was moved for withdrawal of Rs. 80000/- from his GPF the same was within 12 months from the payment of last installment of earlier loan, which is against the Rule 13, Sub Rule 4 (2) of General Provident Fund Rules 1985.

The petitioner has submitted that he made arrangement for marriage of his daughter by taking loan from his relatives.

By now, more than 12 months have already been passed from the payment of last installment of earlier loan taken by the petitioner. Petitioner may apply afresh for

sanction of loan, and respondents are directed to sanction the loan, if there is no other legal impediment in granting the loan.

Suspension order has already been stayed by this court. Respondents are directed to proceed further with the inquiry proceedings and complete the same within a period of three months after affording opportunity of hearing to the petitioner. It is expected that the respondents shall pass final order after completion of inquiry by the 31.08.2006. With this direction the writ petition is finally disposed of. No order as to costs.

Petitioner is directed to supply the copy of this order before respondent no. 3 within a period of three weeks from today.

**(M.M. Ghildiyal, J)**

May 18, 2006
SKSharma